

Single Bench

IN THE HON'BLE CHHATTISGARH HIGH COURT AT BILASPUR

W.P.NO. 191 /2005 (S.B.)

PETITIONER

✓ KRISHNA DAS, AGED ABOUT 42 YEARS, S/o. LATE SHRI VISHNATH DAS, OCCUPATION EX-EMPLOYEE KHALASI, BAILADILA IRON ORE PROJECT, R/O. QR.NO.TYPE II/79 KIRANDUL, DISTT. DANTEWADA, (C.G.)

VERSUS

RESPONDENTS

- ✓ 1. NATIONAL MINERAL DEVELOPMENT CORPORATION LIMITED, THROUGH GENERAL MANAGER, BAILADILA IRON ORE PROJECT, DEPOSIT NO.14 &11/C, KIRANDUL, DISTT. Dantewada (C.G.)
2. DIRECTOR (PRODUCTION) N.M.D.C. LIMITED, HYDERABAD
- ✓ 3. SENIOR MANAGER (MECH) N.M.D.C. LIMITED, BIOP DEPOSIT No.14 & 11/C KIRANDUL, DISTT. DANTEWADA (C.G.)

RR No.

Presented by

dated

172/05

Presented by Shri. A. W. Mahesh K. m. b.

14.01.05

WRIT PETITION UNDER ARTICLES 226/227 OF
THE CONSTITUTION OF INDIA.

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. 191 सन् 2005

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	<u>1.3.2005</u> Shri P.K.C.Tiwari, Senior Advocate with Shri Avinash Mishra, counsel for the petitioner. Shri Vinod Deshmukh, counsel for the respondents on advance copy. Heard. Learned counsel for the petitioner submits that the impugned punishment order(Annexure P-1) has been passed on 30.1.2003 without considering the merits of the case. He submits that there are various laches in the order and prays for its quashment. On the other hand learned counsel for the respondents submits that there is an alternative remedy of appeal under Clause 33 of the Standing Order and the petitioner, without exhausting the remedy, has directly approached this Court and the petition should be dismissed at the threshold. I have heard the learned counsel for the parties at length. Admittedly, the services of the petitioner are governed by the provisions of Standing Order, applicable in this case. There is also a provision of appeal vide Clause 33. The question of facts which have been raised vide this petition, can well be gone into by	

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आदेश पत्रक (पूर्वानुबद्ध)

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	the appellate authority and a determination and finding on the points raised can be recorded by him. It is well settled that in writ jurisdiction the Court cannot exercise its powers as an appellate authority in the departmental proceedings. The petitioner is having alternative efficacious remedy, that should be firstly exhausted by him. Without making any comment on the merits of the case, the petition is disposed of at this stage with an observation that the petitioner may avail the remedy of appeal and if any grievance remains after the same, then he may again approach this Court at appropriate stage. At this stage, learned counsel for the petitioner submits that the petitioner has also prayed for interim relief in relation to retention of the quarter and he may be permitted to pray for such relief in appeal also. The petitioner may raise this ground before the appellate authority which may be considered by the appellate authority in accordance with law. It is made clear that this Court has not expressed any opinion on any point.	

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

W.P. 191

मामला क्रमांक

सन 2005

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश - 3 -	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	With the aforesaid observations, the petition stands finally disposed of. Certified copy as per rules	Sd/- Sunil Kumar Sinha Judge